

**THE GEORGE WASHINGTON UNIVERSITY**  
**Washington, DC**

**MINUTES OF A SPECIAL MEETING  
OF THE FACULTY SENATE HELD ON  
APRIL 21, 2000, IN FUNGER HALL  
ROOM 103**

In the absence of President Trachtenberg and Vice President Lehman, Professor Robinson, Chair of the Executive Committee, called the Special Meeting to order at 2:28 p.m.

**Present:** Parliamentarian Pagel; Deans Harding and Young; Professors Agnew, Boswell, Captain, Castleberry, Cawley, Gallo, Granger, Griffith, Haque, Harrington, Mergen, Park, Robinson, Simon, and Wilmarth

**Absent:** President Trachtenberg, Vice President Lehman, and Registrar Selinsky; Deans Futrell, Lefton, Mazzuchi, Phillips, Riegelman, and Williams; Professors Berkowitz, Duff, Hoare, Johnston, McAleavey, Moses, Nagy, Pelzman, Sheldon, Stephanie, and Zaghloul

The purpose of this Special Meeting, Professor Robinson stated, was to continue consideration of Resolution (99/6) concerning the policies and procedures governing sexual harassment complaints. She asked that discussion of the resolution be resumed, noting that questions of privilege that were raised at the previous meeting were still in effect. She then recognized Professor Wilmarth to continue the process of moving amendments on behalf of the Professional Ethics and Academic Freedom Committee.


**REINTRODUCTION AND CONSIDERATION OF RESOLUTION 99/6, "A RESOLUTION TO ENDORSE THE POLICIES AND PROCEDURES GOVERNING SEXUAL HARASSMENT COMPLAINTS";** Professor Linda L. Gallo and Executive Associate Dean Edward Caress, Co-Chairs, Ad Hoc Committee to Review Interim Policy and Procedures Governing Sexual Harassment Complaints

Before continuing with the amendments, Professor Wilmarth said that he would like to clarify a point that was raised at the last meeting relating to the function of the Joint Student-Faculty Committee regarding incidents of discrimination or harassment at the Law School. He said the Committee collects reports of incidents of harassment or discrimination, and it provides informal counseling and also speaks with the administration regarding responses to such incidents. But, he said, the Committee does not have any decision-making role and does not make any recommendations regarding sanctions against individual faculty members or students. Professor Gallo asked whether the Committee would notify the Dean if a complaint of a sexual harassment nature were identified, and Professor Wilmarth replied that the Committee would refer students to their rights under the Student Code or to the Sexual Harassment Coordinator. Further discussion followed by Professors Gallo, Wilmarth, and Harrison.

Returning to consideration of Resolution 99/6, Professor Wilmarth, on behalf of the PEAFF Committee, moved a series of amendments. Participating in the discussion of the amendments were Professors Gallo, Park, Simon, Wilmarth, Harrison, D. Robinson, Bell, Griffith, Siegel, Agnew, Banzhaf, Boswell, Haque, Mergen, Dean Caress, and Assistant General Counsel Mulkern.

At this point, because of the late hour, Professor Gallo raised a question about whether or not a quorum was still present. Parliamentarian Pagel indicated that a quorum of 14 Senate members was no longer present. A discussion followed by Professors Gallo, L. Robinson, Agnew, Wilmarth, and Griffith. Professor Griffith moved that Resolution (99/6) be recommitted to the Ad Hoc Committee with directions to bring the Resolution back to the next regular meeting of the Faculty Senate for further consideration. The motion was seconded and passed. [Resolution (99/6), together with Amendments adopted by the Senate at today's Special Meeting, April 21, 2000, are attached and made a part of these minutes.]

Upon motion made and seconded, the meeting was adjourned at 4:50 p.m., by Professor Lilien F. Robinson, Chair of the Executive Committee of the Faculty Senate.

  
Brian Selinsky  
Secretary

**A RESOLUTION TO ENDORSE THE POLICY AND PROCEDURES  
GOVERNING SEXUAL HARASSMENT COMPLAINTS (99/6)**

WHEREAS, the Faculty Senate, in a meeting on December 11, 1998, passed a resolution to refer the Interim Policy and Procedures Governing Sexual Harassment Complaints to an Ad Hoc Committee for review; and

WHEREAS, the Ad Hoc Committee has reviewed the Interim Policy and Procedures and, based upon wide-ranging consultation, the study of sexual harassment policies from other institutions, the study of sexual harassment literature and court cases, has recommended changes to the Interim Policy and Procedures both in the interests of clarification and simplification and in substance; and

WHEREAS, the Faculty Senate resolution of December 11, 1998, directed the Ad Hoc Committee to report its recommendations with respect to any changes to the Interim Policy and Procedures Governing Sexual Harassment Complaints to the Faculty Senate;  
NOW, THEREFORE

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY**

That the Faculty Senate endorses the Policy and Procedures Governing Sexual Harassment Complaints as recommended by the Ad Hoc Committee.

Ad Hoc Committee to Review Interim Policy and  
Procedures Governing Sexual Harassment Complaints  
January 12, 2000

Postponed, March 10, 2000, to April 14, 2000

Recommitted, April 21, 2000, to Ad Hoc Committee

THE FOLLOWING AMENDMENTS TO THE POLICIES AND PROCEDURES GOVERNING SEXUAL HARASSMENT COMPLAINTS (RESOLUTION 99/6) WERE ADOPTED BY THE FACULTY SENATE AT ITS SPECIAL MEETING, APRIL 21, 2000 (underlining indicates new language):

Outcomes

1st 2 sentences, p.5

"If the informal resolution procedure or formal complaint procedures results in a determination that sexual harassment occurred, the findings and recommendations shall be referred to the appropriate University official for imposition of corrective action, including sanctions that the official is authorized to impose; provided that an informal resolution procedure may not result in a sanction unless the Respondent has consented thereto. A range of relevant considerations ~~may~~ should be taken into account in determining the extent of sanctions, such as the severity ~~and context~~ of the offense, the effect of the offense on the victim and on the University community, the consequences of the sanction to the Respondent, and the Respondent's record of service and past offenses."

Informal Resolution Procedure

Par. 3, p.9

"The Coordinator will ~~notify the Respondent that an allegation has been made~~ furnish the Respondent with a copy of the signed statement or the written summary if there is no signed statement. The Coordinator will inform the Respondent of the allegation in sufficient detail to permit an informed response."

Informal Resolution Procedure

Par. 6, p.9

"Upon concluding the investigation, the Coordinator will report on the matter to the responsible University official. The Coordinator will make every effort to resolve the matter informally. The resolution of the matter may include corrective or disciplinary action ~~to which~~ provided the Respondent consents. Any such corrective or disciplinary action shall be imposed by the responsible University official and be within his or her discretion and consistent with his or her authority."

Informal Resolution Procedure

Par. 7, p.10

"A responsible official will notify the parties ~~person who alleged harassment~~ of the disposition of the informal resolution procedure to the extent consistent with University policies, appropriate considerations of privacy and confidentiality, fairness, and applicable law."

Formal Complaint Procedure - Special Panels

Par. 2, p.11

"The coordinator will send a copy of the complaint ~~and any factual statement of the sexual harassment alleged~~ to the responding party and the Associate Vice President for Human Resources (or designee). The respondent will be given sufficient particularities as to the alleged facts that the respondent may reasonably investigate the charge and prepare his or her defense, with reasonable and appropriate recesses and continuances being provided to all parties."

Formal Complaint Procedure - Special Panels

Par.B.1,p.11

"A complaint filed under Appendix C will be heard by a five-member panel selected by lot by the Associate Vice President for Human Resources (or designee), as described in Section C. Panelists will be selected from a pool of 30, ten of whom are faculty members appointed by the Vice President for Academic Affairs, with the concurrence of the Council of Deans and the Faculty Senate Executive Committee; ten of whom are staff employees appointed by the Vice President for Administrative and Information Services; and ten of whom are students appointed by the Dean of Students. ~~An effort shall be made to establish a pool constituting a fair cross-section of the academic and staff communities.~~"

Formal Complaint Procedure - Special Panels

1st sentence, Par.3, p.12

"An appointee to the pool (but not to a panel) may be removed and replaced at any time, at the discretion of the appointing official."

Conduct of Hearing

Par. 1.(d), p.14

"Response to the complaint. The party who responded to the complaint shall have a right to know prior to the hearing the contents of and the names of the authors of any written statements that may be introduced against him or her, and to rebut unfavorable inferences that might be drawn from such statements. The responding party may present testimony, witnesses, documents or other evidence to the panel. [Continue to end of subparagraph.]

Witnesses

Par.F.1, p.15

"Each party (and the panel) may ask witnesses to testify at the hearing, but no person may be ~~compelled~~ directed to testify other than the Complainant and any other person who gave evidence that has been considered by the panel. Information from persons able but unwilling to appear shall not be considered by the panel. Information from persons who cannot appear shall be subject to a ruling of admissibility by the Chair. The Chair may take reasonable steps to protect the witnesses against abuse or harassment, short of excusing their appearances."

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THE FACULTY SENATE

April 18, 2000

There will be a SPECIAL MEETING OF THE FACULTY SENATE ON FRIDAY, APRIL 21, 2000, AT 2:10 P.M. IN FUNGER HALL 103, called by the President at the request of the Executive Committee, as directed by the Faculty Senate, for the purpose of consideration and vote during the current Senate Session on Resolution (99/6), "A Resolution to Endorse the Policies and Procedures Governing Sexual Harassment Complaints."

AGENDA

1. Call to order
2. Reintroduction and consideration of Resolution (99/6), A RESOLUTION TO ENDORSE THE POLICIES AND PROCEDURES GOVERNING SEXUAL HARASSMENT COMPLAINTS; Professor Linda L. Gallo and Executive Associate Dean Edward Caress, Co-Chairs, Ad Hoc Committee to Review Interim Policy and Procedures Governing Sexual Harassment Complaints (Resolution with revised Report previously distributed\*)
3. Adjournment

*Brian Selinsky*  
Brian Selinsky  
Secretary

NOTE: These materials are posted on the Faculty Senate Website:  
<http://www.gwu.edu/~facsen>